



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frank H. Peters, Michael H. Leary, Yoon-Kyu Song, and  
Frederick A. Kish, Jr.  
Assignee: Agilent Technologies, Inc.  
Title: Optoelectronic Device Using A Disabled Tunnel Junction For  
Current Confinement  
Serial No.: 10/040,167 Filing Date: December 31, 2001  
Examiner: Quyen P. Leung Group Art Unit: 2828  
Docket No.: 10010482-1

San Jose, California  
January 22, 2004

Mail Stop Non-Fee Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

This response to the Office Action dated October 22, 2003, which has a statutorily shortened period for response that ends January 22, 2004, includes:

Amendments to the specification;

A listing of the claims presented for further examination; and

Remarks given in reply to the Office Action dated October 22, 2003.

THE PATENT LAW OFFICES  
OF DAVID MILLERS  
6560 ASHFIELD COURT  
SAN JOSE, CA 95129  
PH 408.927.6700  
FX 408.927.6701

RECEIVED  
JAN 22 2004  
C. I. P. E.

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

01-26-04  
2825  
ATTORNEY DOCKET NO. 10010482

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Frank H. Peters et al.

Serial No.: 10/040,167

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TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☒ No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")  
☐ Other: \_\_\_\_\_ (Fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	19	MINUS	20	= 0	X 18	\$ 0.00
INDEP. CLAIMS	2	MINUS	3	= 0	X 86	\$ 0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 290	\$ 0.00
EXTENSION FEE	1 <sup>ST</sup> MONTH 110.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 420.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 950.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1480.00 <input type="checkbox"/>		
OTHER FEES						\$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0.00

Charge \$0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

"Express Mail" label no. ER 731 108 973 US

Date of Deposit: January 22, 2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on The date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Typed Name: David T. Millers

Signature: David T. Millers

Respectfully submitted,  
Frank H. Peters et al.

By

David T. Millers  
David T. Millers  
Attorney/Agent for Applicant(s)

Reg. No. 37,396

Date: January 22, 2004

Telephone No. (408) 927-6700